

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

U.S. BANK NATIONAL ASSOCIATION, as
Trustee for the Registered Holders of Wachovia
Bank Commercial Mortgage Trust, Commercial
Mortgage Pass-Through Certificates, Series
2006-C28, acting by and through its Special
Servicer, CWCAPITAL ASSET
MANAGEMENT LLC,

Plaintiff,

- against -

DEXIA REAL ESTATE CAPITAL MARKETS
f/k/a ARTESIA MORTGAGE CAPITAL
CORPORATION,

Defendant/Third-Party Plaintiff,

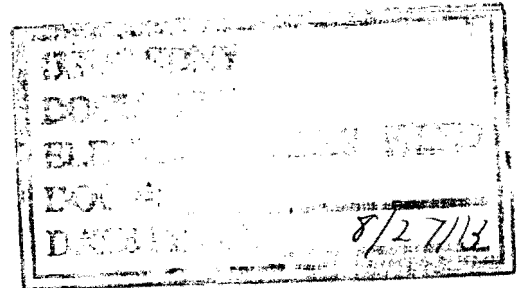
- against -

BEST & FLANAGAN, LLP, KATHY ALLEN,
f/k/a Kathy Yip, QUINLIVAN & HUGHES, PA,
RONALD BRANDENBURG, ROBERT C.
ABEL, STEPHEN R. UPGREN, DAVID P.
KLUG, RANDALL L. HAGEN,

Third-Party Defendants.

12-CV-09412 (SAS)

STIPULATION AND ORDER



IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned attorneys for
Dexia Real Estate Capital Markets f/k/a Artesia Mortgage Capital Corporation ("Defendant/Third-Party
Plaintiff") and third-party defendants Quinlivan & Hughes, PA and Ronald Brandenburg ("Third-Party
Defendants") as follows:

(1) The third-party complaint herein is dismissed without prejudice against Third-Party
Defendants;

(2) Third-Party Defendants will not object to Defendant/Third-Party Plaintiff amending its pleadings in the Minnesota state court litigations captioned *Abel v. Kathy Yip, et al.* Case No. 27-CV-13-9898, and/or *Hagen v. Yip, et al.* Case No. 27-CV-13-10010 (the "Minnesota Action") to add the parties and claims being voluntarily dismissed pursuant to this stipulation (it is anticipated that those cases will be consolidated into a single proceeding);

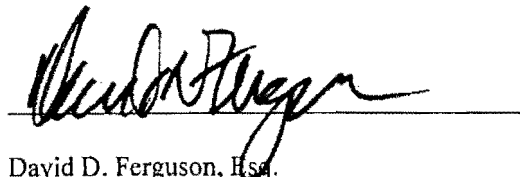
(3) Defendant/Third-Party Plaintiff's claims for relief in the Minnesota Action shall be substantially similar to the third-party claims being voluntarily dismissed without prejudice pursuant to this Stipulation and Order; and

(4) The foregoing is without prejudice to Third-Party Defendants' ability to assert any and all appropriate defenses by way of pleading, motion or otherwise to the amended pleadings in the Minnesota Action.

Dated: New York, New York

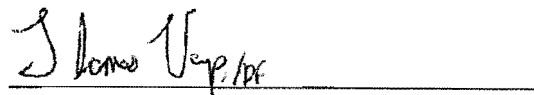
August 21, 2013

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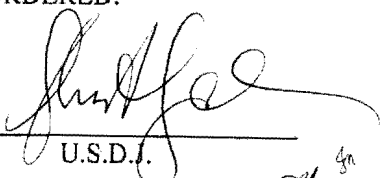
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and Kathy Allen
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SO ORDERED:



U.S.D.J.

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8/27/13